HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 21232 of 2006

Between:

Yerragudi Pulla Reddy

..Petitioner

And

The Pulivendula Municipality,
Rep., by its Commissioner,
Pulivendula,
Kadapa district.

..Respondent.

:ORDER:

Counsel for the petitioner : Shri V.R. Reddy Kovvuri.

October 13, 2006:

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Per G.S. Singhvi, CJ

This petition filed for issue of a writ of prohibition to restrain Pulivendula Municipality from demolishing the residential house of the petitioner bearing Door No. 2-2-15 (Old 2/312), Kaccheri Road, Pulivendula town, Kadapa District is liable to be dismissed as premature because the petitioner has not produced any tangible evidence to show that the respondent has taken any step to demolish his house or a part thereof without following the due process of law. The representation, annexed as P-2, does not contain any indication of so called threat held out by the authorities of the municipality to demolish the house. Therefore, the bald assertion contained in the affidavit filed by the petitioner cannot be made a basis for entertaining his grievance in the matter of so called demolition of his property.

With the above observation, the writ petition is dismissed leaving the petitioner free to avail appropriate legal remedy if and as and when, the authorities of the municipality take action for demolition of his house or any portion thereof without following the procedure established by law and without hearing him.

As a sequel to dismissal of the main petition, W.P.M.P.No. 26934 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J.

13-10-2006

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